

BEFORE THE BOARD OF ZONING ADJUSTMENT, D. C.

Application No. 12141, of Mable M. Earnshaw, pursuant to 8207.2 for a special exception under paragraph 3105.43 to permit a delicatessen to be added to an existing grocery store as a commercial adjunct in an apartment house in an R-5-C district at the premises 2480 - 16th Street, N.W., Square 2572, Lot 808.

HEARING DATE: June 22, 1976

DECISION DATE: October 26, 1976 (Executive Session)

FINDINGS OF FACT:

1. The subject building is a nine (9) story apartment unit with some three-hundred-eighty(380) families in the building and some forty (40) employees in the building located in a R-5-C District.
2. In 1974 a certificate of occupancy was issued to the subject premises for a retail grocery store as an adjunct to an apartment house (part of basement).
3. Applicant now seeks permission to extend the permit to include delicatessen under which applicant would sell cold cut sandwiches, hot dogs, half smokes and coffee.
4. Applicant intends to sell its products to the residents of said building, the employees of the building and others who do not reside in the subject building.
5. There is one (1) door that is visible from the sidewalk, although locked and unused.
6. There is a sign indicating the existence of such adjunct visible from the outside of the said building.
7. The only entrance to the store is in the hallway in the basement of the building.
8. The center of the principal entrance of such apartment house is less than one-fourth mile walking distance from the nearest principal business street frontage of any business district previously established and operating in a Commercial or Industrial District.
9. There was no evidence either in the record or at the hearing of persons opposed or in favor of this application.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the applicant has not met the burden of proof in meeting the requirements of Sub-section 3105.43 under which he sought a special exception. Accordingly, it is

ORDERED that the application is, DENIED.

VOTE: 3-0 (William F. McIntosh, William S. Harps & Leonard L. McCants, Esq., having read the record, to DENY; Lilla Burt Cummings, Esq., not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


ARTHUR B. HATTON
Executive Secretary

FINAL DATE OF ORDER:

3-29-77